

Application No. 10/613,556  
Response to Office Action

Customer No. 01933

The Examiner has cited Yamada et al for the disclosure of an excavator, but acknowledges that Yamada et al does not disclose a downsizing device or bubble remover in the manner of the claimed present invention.

For this reason, the Examiner has cited Livesay to supply the missing teachings of Yamada et al.

According to the present invention as recited in amended independent claim 9, the downsizing device comprises a bubble remover provided in the hydraulic tank (which is in the seat-side block) for removing bubbles in the hydraulic fluid. With this structure, the volume of the hydraulic tank, and hence the volume of the seat-side block, can be greatly reduced.

By contrast, it is respectfully submitted that Livesay discloses a gas-removing filter housing 13, which houses bubble filter 21, that is clearly separate from the hydraulic fluid reservoir 35, which according to Livesay supplies hydraulic oil to the hydraulic pumps thereof. It is respectfully submitted, moreover, that the housing 13 in Livesay is also clearly separate from tank 26, in which a first amount of gas is separated from the oil, and which protects the housing 13 from volume surges of the hydraulic oil.

Thus, it is respectfully submitted that Livesay does not disclose, teach or even remotely suggest downsizing device comprising a bubble remover provided in the hydraulic tank, in

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the manner of the present invention as recited in amended independent claim 9.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claim 9, and claims 10 and 11 depending therefrom, clearly patentably distinguishes over the combination of Yamada et al and Livesay under 35 USC 103.

\* \* \* \* \*

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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